

No. 10315-4Lab-76/33597.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s T. C. Jain & Sons, Yamunanagar Road, Jagadhri.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 185 of 1975

between

THE WORKMAN AND THE MANAGEMENT OF M/S T. C. JAIN & SONS, YAMUNANAGAR
ROAD, JAGADHRI

AWARD

By order No. ID/AMB/404-D-75/70776, dated 11th December, 1975 Governor of Haryana, referred the following dispute between the management of M/s T. C. Jain & Sons, Yamunanagar Road, Jagadhri and its workmen to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the workers should be granted bouns for the year 1973-74 ? If so, with what details ?

The parties put in their appearance in response to the usual notices of reference sent to them and arrived at a settlement, whereby the management agreed to pay to the workmen bonus at the rate of Rs. 8.33% of their annual wages for the year 1973-74, the minimum permissible to them during that year and the workmen accepted this in full and final settlement of their demands leading to this reference.

I thus in view of the settlement arrived at between the parties, direct that the management shall pay to their workmen bonus at the rate of Rs. 8.33% of their annual wages during the year 1973-74, the minimum permissible during that year. I answer the reference while returning the award in these terms.

Dated the 23rd September, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1089, dated 20th September, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 20th September, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 10317-4Lab-76/33599.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Saraswati Cermaics Refractories Private Limited, Plot No. 105, Sector No. 25, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 3 of 1975

between

THE WORKMEN AND THE MANAGEMENT OF M/S SARASWATI CERMAICS
REFRATORIES PRIVATE LIMITED, PLOT NO. 105, SECTOR NO. 25

AWARD

By order No. ID/FD/910-A-75/642, dated 2nd January, 1976 the Governor of Haryana, referred the following disputes between the management of M/s Saraswati Cermaics Refractories Private Limited, Plot No. 105, Sector 25, Faridabad and its workmen to this Tribunal, for adjudication, in exercise of

the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 :—

- (1) Whether the workers should be supplied with uniforms ? If so, with what details ?
- (2) Whether amunition boots or an allowance in lieu thereof should be given to the workers employed on klins ? If so, with what details ?
- (3) Whether workers are entitled to the payment of bonus for the year 1973-74 ? If so, with what details ?

The parties put in their appearance in response to the usual notices of reference sent to them and filed their pleadings giving rise to the issues as per terms of the dispute stated above.

The parties arrived at a settlement in writing Ex. M-1, during the tendency of the reference.

Shri Sunhari Lal, secretary I.N.T.U.C. through whom the workmen raised the demands dated 18th September, 1973 leading to this reference, on behalf of the workmen, and Shri D.D. Aggarwal, on behalf of the management made their statements before me on 16th September, 1975 affirming the correctness of the settlement Ex. M-1 duly signed by Shri Sunhari Lal, Ram Sunder, Kalu Ram and Bhuller on behalf of the workmen and Shri D. D. Aggarwal on behalf of the management and gave out that there was now no dispute between the parties requiring adjudication.

I, now therefore answer the reference in terms of the settlement Ex. M-1 which shall form part of this award.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 23rd September, 1976.

No. 1087, dated 28th September, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

Dated 28th September, 1976.

The 8th December, 1976

No. 7417-4Lab-76/33859.- In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Partap Steel Rolling Mills, Private Limited, Ballabgarh.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD.

Reference No 189 of 1975

between

SHRI VIJAY KUMAR SHARMA, WORKMAN AND THE MANAGEMENT OF M/S
PARTAP STEEL ROLLING MILLS, PRIVATE LIMITED, BALLABGARH.

AWARD

By order No. ID/FD/18-C-75/74902, dated 29th December, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Partap Steel Rolling Mills, Private Limited, Ballabgarh and its workman Shri Vijay Kumar to this Tribunal for adjudication in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Vijay Kumar Sharma was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal in response to the usual notices of reference sent to them and filed their pleadings giving rise to the following issues framed by me,—
vide my order dated 14th May, 1976.

(1) Whether the workman tendered his resignation on 9th July, 1975 and the same was accepted by the management with immediate effect?

★ (2) Whether the claim statement has not been signed by Shri V. K. Sharma himself, if so, with what effect?

The case was fixed for recording evidence of the management for 15th July, 1976 when the parties came to a settlement and made their statements in accordance with the terms thereof.

The management agreed to pay to the workman retrenchment compensation, notice pay and bonus for the year 1974-75 treating the termination of his services as retrenchment besides wages for the earned leave and earned wages till the date of his termination in consideration of the later fore-going his right of reinstatement. The workman admitted that he had no other claim against the management. The workman and Shri K. P. Aggarwal authorised representative for the management made their statements in these terms.

I accordingly in view of the statements of the parties referred to above direct that the management shall pay to the workman service compensation, notice pay and bonus for the year, 1974-75 as available to him under section 25 F of the Industrial Disputes Act, treating his termination as retrenchment besides wages for earned leave and earned wages till the date of termination of his services and the workman shall on receipt of this amount have no claim of any kind against the former including that of reinstatement or re-employment.

I thus answer the reference while returning the award in these terms.

Dated the 17th July, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 914, Dated the 17th July, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 17th July, 1976.

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 7418-4Lab-76/33862.—In pursuance of the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the management of M/s Iron Master (India) Private Limited, Sector-6, Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 173 of 1975

between

SHRI BALBIR SINGH WORKMAN AND THE MANAGEMENT OF M/S IRON MASTER
(INDIA) PRIVATE LIMITED, SECTOR-6, FARIDABAD

AWARD

By order No. ID/FD/56-A-75/65757, dated 28th October, 1975 the Governor of Haryana, referred the following dispute between the management of M/s Iron Master (India) Private Limited, Sector-6 Faridabad and its workman Shri Balbir Singh to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Balbir Singh was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance before me on 20th January, 1976 in response to the usual notices of reference sent to them, when the workman filed his claim statement and the case was adjourned to 11th March, 1976 for filing of the written statement by the management. On a request made by the management for grant of an adjournment for filing the written statement, the case was adjourned, - vide my order dated 11th March, 1976 to 11th May, 1976 when Shri H. R. Dua authorised representative for the management pleaded want of instructions with the result that *ex parte* proceedings were taken up against the management on that date and the workman was directed to adduce his *ex parte* evidence on 22nd June, 1976 when the case was again adjourned to 14th July, 1976 for recording *ex parte* evidence of the workman on a request made by his authorised representative.

The workman and his authorised representative absented themselves on 14th July, 1976 leading to a conclusion that the workman was not interested in pursuing the demand raised by him on the management leading to this reference and that there was no dispute between the parties requiring adjudication.

I hold accordingly and answer the reference while returning the award in these terms.

Dated the 17th July, 1976

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 913, dated the 17th July, 1976

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh as required under section 15 of the Industrial Disputes Act, 1947.

Dated the 17th July, 1976

MOHAN LAL JAIN,

Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 9051-4Lab-76/33865.—In pursuance of the the provisions of section 17 of the Industrial Disputes Act, 1947 (Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of the Presiding Officer, Industrial Tribunal, Faridabad, in respect of the dispute between the workmen and the Management of M/s Rajindra Paper Mills, 51, N. I. T., Faridabad.

BEFORE SHRI MOHAN LAL JAIN, PRESIDING OFFICER, INDUSTRIAL
TRIBUNAL, HARYANA, FARIDABAD

Reference No. 124 of 1975

between

SHRI LAL BABU MISHRA, WORKMAN AND THE MANAGEMENT OF M/S
RAJINDRA PAPER MILLS, 51, N. I. T., FARIDABAD

AWARD

By order No. ID/FD/75/51221, dated 22nd July, 1975 the Governor of Haryana referred the following dispute between the management of M/s Rajindra Paper Mills, 51, N. I. T., Faridabad and its workman Shri Lal Babu Mishra, to this Tribunal, for adjudication, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947.

Whether the termination of services of Shri Lal Babu Mishra, was justified and in order? If not, to what relief is he entitled?

The parties put in their appearance in this Tribunal and filed their pleadings.

Whereas the workman alleged that his services had been terminated by the management illegally without assigning any reason and without service on him of any prior notice and he was entitled to re-instatement, with full back wages and continuity of service, the management pleaded that the former lost his lien on the job under their certified standing orders by way of absenting himself from his duty with effect from 17th January, 1975. They stated that he did not attend his job despite a notice sent to him through registered post on 31st January, 1975 directing him to do so. They raised a preliminary objections that the reference was bad in law for want of service on them of a notice of demands directly and their rejection thereof before the matter was taken to the Conciliation Officer.

The following issues were thus framed on please of the parties,—*vide* order dated 21st January, 1976.—

- (1) Whether the reference is illegal on the ground taken up by way of preliminary objections?
- (2) Whether the workman absented from duty with effect from 17th January, 1975 and continued to do so till 31st January, 1975 and lost his lien of service on that ground.
- (3) Whether the termination of services of Shri Lal Babu Mishra was justified and in order? If not, to what relief is he entitled?

The learned authorised representative for the management did not press the pleas covered by issue No. 1 in view of my order, dated 10th October, 1975 made in reference entitled Shri S. C. Sethi, Vs. M/s Kirlosker Oil Engine, Mathura Road, Faridabad that it was no longer necessary for the workman to serve a notice of demands directly on the management and for the later to reject it before the matter was taken to the Conciliation Officer in order to constitute an industrial dispute. I thus decide issue No. 1 against the management.

The only important question requiring determination under the circumstances is as to whether the management terminated the services of the workman or the latter absented himself from duty with effect from 17th January, 1975 and continued to do so till 31st January, 1975 thus losing his lien on the job. The management in this connection examined Shri Shiv Rattan Singh their Head time keeper who deposed with reference to the register of attendance of their employees that the workman absented himself with effect from 13th January, 1975 and continued to do so till June, 1975 when his name was struck off the muster rolls. He added that the entries in the attendance register relating to the absence of the workman were in his hand writing and that the later failed to attend to his duty despite notice copy Ex. M-2 sent to him,—*vide* registered letter. He tendered in evidence the postal receipt of the registered letter Ex. M-3 and the correct copy of the certified standing orders of the management Ex. M-4/A.

The workman while appearing as his own witness put forth a new case not earlier set up by him either in the notice of demands or in his claim statement that he proceeded on one months leave duly sanctioned by the management with effect from 17th January, 1975 and applied for extension of his leave on the ground of his illness 3 days before the expiry of his leave by ordinary post and that he did not receive any reply and reported for duty on 11th March, 1975, when the management put him off and continued to do so thereafter on one pretext or the other and finally declined to take him on duty. The circumstance that the workmen put forth the aforesaid storey for the first time on 28th July, 1976 at the evidence stage without taking such a plea earlier justifies rejection of his statement as false and as an afterthought. He admitted that he was not in a position either to produce a copy of the application made by him for grant of leave or a copy of the application made by him for extension of leave and that he had not specified the duration of extension of his leave in that application and the medical certificate sent by him along with the application did not recommend leave for a specified period. These admissions further belie his case to a considerable extent. No reasons were advanced as to why did the workman not send an application for extension of leave by registered post and why did he not insist on obtaining the sanction of his leave with effect from 17th January, 1975 from the management in writing. The failure of the workman to explain such important facts well render his evidence a tissue of lies. I therefore in view of the aforesaid facts and circumstances of the case reject his evidence as false.

The evidence of Shri Shiv Rattan Singh is on the other hand found corroborated from the documentary evidence and I see no reason to disbelieve his statement particularly when nothing could be brought in cross examination to justify such a course. I thus relying on his evidence hold that the workman absented himself from the duty with effect from 17th January, 1975 and continued to do so till June, 1975 when his name was struck off the muster roll under standing orders 12 clause VII of the certified standing orders of the management. I thus decide issue No. 2 in favour of the management.

I, in view of my findings on issue No. 2 further hold that this is not a case of termination of service of the workman by the management and is on the other hand a case of loss of lien on the job by the workman as a result of his long continued voluntary absence and he is not entitled to any relief. I accordingly answer the reference while returning the award in these terms.

Dated 26th August, 1976.

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.

No. 1001, dated 26th August, 1976.

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

Dated 26th August, 1976

MOHAN LAL JAIN,
Presiding Officer,
Industrial Tribunal, Haryana,
Faridabad.